

## Board of Adjustment

### *Minutes*

City Council Chambers, Lower Level  
August 6, 2014

**Board Members Present:**

Trent Montague – Chair  
Mark Freeman- Vice Chair  
Greg Hitchens  
Wade Swanson  
Tyler Stradling

**Board Members Absent:**

Chad Cluff (unexcused)

**Staff Present:**

Gordon Sheffield  
John Wesley  
Angelica Guevara  
Margaret Robertson  
Lesley Davis  
Kaelee Wilson  
Mike Gildenstern

**Others Present:**

Keith Rich  
Joe Dotty  
Jerry Torr  
Claudia Morgado  
Richard Dyer

The study session began at 5:05 p.m. The Public Hearing meeting began at 5:36 p.m. Before adjournment at 5:41 p.m., the following items were considered and recorded.

**Study Session began at 5:05 p.m.**

- A. Assistant City Attorney Margaret Robertson gave a presentation on Verizon's consent decree with the FCC. The decree was initiated after the FCC found that some Verizon rooftop antennae were producing an excessive amount of RF emissions. The decree provides that Verizon monitor RF emissions on a regular basis using an FCC-selected "emission officer", and obligates Verizon to produce an RF emissions report on every antenna in their network biannually. Ms. Robertson affirmed that cities are held harmless because no health-related testimony is ever heard in public meetings.
- B. The items scheduled for the Board's Public Hearing were discussed.

**Study Session adjourned at 5:36 p.m.**

**Public Hearing began at 5:36 p.m.**

- A. Consider Minutes from the July 8, 2014 Meeting a motion was made by Boardmember Freeman and seconded by Boardmember Swanson to approve the minutes. Vote: Passed 5-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Stradling. Vote: Passed 5-0

**Board of Adjustment Meeting  
August 6<sup>th</sup>, 2014**

**Case No.:** BA14-043

**Location:** 1445 West Southern Avenue

**Subject:** Requesting a Special Use Permit (SUP) to allow the number of special events and days to exceed the maximum allowed in the LC zoning district. (PLN2014-00331)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Stradling to approve case BA14-043 with the following conditions:

1. *Compliance with the site plan and operation plan submitted except as modified by the conditions below.*
2. *Signage shall be contained to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be displayed prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Events license.*
3. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
4. *Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.*
5. *The Special Use Permit will expire November 2018. The Special Use permit is non-transferrable. Each year shall comply with provided operation plan details, minor changes in dates from year to year may occur.*

**FINDINGS:**

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the Fiesta Mall area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

**Vote:** Passed (5-0) (Absent- Boardmember Cluff)

**Board of Adjustment Meeting  
August 6<sup>th</sup>, 2014**

**Case No.:** BA14-044

**Location:** 5252 East Main Street

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing medical office in the LC zoning district. (PLN2014-00345)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Stradling to approve case BA14-044 with the following conditions:

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
2. *Remove wood boards added to the top of the existing wall on the west property line.*
3. *Remove wood fence on the east and north property lines.*
4. *Remove the unauthorized wood fence located just north of the existing parking area.*
5. *Remove all unauthorized outdoor storage of vehicles, portable storage container(s), shade structure(s), boat(s), screen fabric, and motorhome/RV from the site.*
6. *A construction permit shall not be issued for the proposed addition or site improvements until all unauthorized storage items/structures are removed from the site.*
7. *Provide a 3.5 foot tall screen wall between the parking spaces and the Main Street frontage to screen the parking areas from the street to comply with Sec. 11-30-9-H.*
8. *Maximum height of screen wall adjacent to the west and north property lines is 6' in height.*
9. *Screen walls shall be constructed of concrete masonry units (CMU).*
10. *Provide covered parking to comply with Sec. 11-32-3-D.*
11. *Provide a pedestrian connection from the building to Main Street.*
12. *Provide a 6" vertical concrete curb between all landscape areas and paved areas.*
13. *Provide parking lot landscape islands at the end of each row of parking to comply with Figure 11-33-4 of the Zoning Ordinance.*
14. *Each parking lot landscape island shall include one tree and three shrubs as per Sec. 11-33-4.*
15. *Provide 1 tree and 6 shrubs per 25 linear feet along the north, east, west, and south property lines.*
16. *Provide landscape material within the right-of-way that consists of low-water using trees, shrubs, and groundcovers to comply with the City of Mesa's Engineering and Design Standards.*
17. *Provide an employee break area.*
18. *The existing pole sign shall be removed if it cannot be modified to comply with current sign design requirements.*
19. *Separate sign permit required from the Development Services Office to modify the existing sign or to install new signage.*
20. *If parking lot light poles are proposed they shall not be located within landscape islands.*
21. *Provide a 5' wide foundation base along the north elevation of the building to comply with Sec. 11-33-5.*
22. *A maximum of 64 parking spaces shall be provided on the site.*
23. *Parking areas shall not be screened or gated from the interior of the site.*
24. *Exterior building elevations of the proposed addition, parking canopies, screen walls, light poles/fixtures, signage and landscape plan and palette require Administrative Design Review approval prior to filing an application for plan review for a construction permit.*
25. *Compliance with all requirements of Development Services in the issuance of building permits.*

## **Board of Adjustment Meeting**

**August 6<sup>th</sup>, 2014**

### **FINDINGS :**

1. The proposed addition of 2,616 s.f. invokes conformance with current development standards on the entire site.
2. At the time of initial development the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The site was developed with some street frontage landscape that has died and has not been replaced within the existing landscape yards and will need to be replaced as a condition of approval of the SCIP.
4. Requiring additional landscape around the perimeter of the site will help bring the site closer to compliance with current code while still allowing the needed parking spaces to be provided.
5. Requiring compliance with some of the current code would encourage the property owner to use the site for the allowed uses.
6. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
7. The proposed use will not be detrimental to surrounding properties.

**Vote:** Passed (5-0) (Absent- Boardmember Cluff)

**Board of Adjustment Meeting  
August 6<sup>th</sup>, 2014**

**Case No.:** BA14-045

**Location:** 815 East Main Street

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing retail building in the LC zoning district. (PLN2014-00346)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Stradling to approve case BA14-045 with the following conditions:

1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
2. *Compliance with Administrative Design Review Approval letter dated May 22<sup>nd</sup>, 2014.*
3. *Landscaping shall be planted in the four landscape medians along Main Street. Landscape quantities shall be in compliance with 11-33-4.*
4. *The applicant shall not provide parking in drive-aisles or loading dock.*
5. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**FINDINGS:**

1. The request will allow a 17,500 square foot reception hall to locate in a tenant space in an existing retail shopping center.
2. The current land use conforms to the permitted uses for the Limited Commercial district as well as the General Plan designation of Community Commercial.
3. The proposed upgrades will bring the site into further conformance with the current ordinance requirements. Strict compliance of ordinance requirements would require demolition or reconstruction of the site.
4. The applicant has noted the following as justification for the granting of the SCIP: 1) the grocery store occupying the east half of the building never has more than 10-15 cars since many of their patrons walk or ride their bike; 2) the uses will have different hours; 3) the property owner is also improving the site through façade improvements.
5. The proposed site and landscape plans, including staff recommended conditions for approval, substantially conform to the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

**Vote:** Passed (6-0) (Absent- Boardmember Cluff)

**Board of Adjustment Meeting  
August 6<sup>th</sup>, 2014**

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a  
Zoning Administrator